

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 4
(SERIES OF 2009)

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING SECTION 16-242 OF THE BUENA VISTA MUNICIPAL CODE.

WHEREAS, Section 16-242 of the Buena Vista Municipal Code regulates signs and outdoor advertising; and

WHEREAS, it is the desire of the Town to ensure that signs are well-designed and contribute in a positive way to the Town's visual environment, express local character, honor local heritage, and enhance the distinctive image for the Town; and

WHEREAS, the Town recognizes that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity; and

WHEREAS, the Town recognizes and desires to ensure the right of those concerned to identify businesses, services and other activities by the effective use of signs, and limit signs to those which are accessory and incidental to the use on the premises where such signs are located; and

WHEREAS, the Town desires to provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices; and

WHEREAS, the Town desires to protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs; and

WHEREAS, the Town desires to encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses and the surrounding neighborhood; and ensure that signs are compatible and integrated with the building's architectural design and with other signs on the property; and

WHEREAS, the Town desires to ensure that signs are appropriate for the type of street on which they are located; and

WHEREAS, the Town desires to bring nonconforming signs into compliance with these regulations; and

WHEREAS, after proper notice and public hearing on July 28, 2009, and August 25, 2009, and in consideration of the testimony and other information presented at the hearing Board of Trustees, the Board deems the approval of the new sign code to be in the best interest of the Town of Buena Vista.

NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, THAT:

1. Section 16-242 of the Buena Vista Municipal Code shall be amended as follows:

(1) **Purpose and Intent** The regulations in this Section are intended to coordinate the use, placement, physical dimensions and design of all signs within the Town. The purpose of these regulations is to:

- (a) Ensure that signs are well-designed and contribute in a positive way to the Town's visual environment, express local character, honor local heritage, and enhance the distinctive image for the Town.
- (b) Recognize that signs are a necessary means of visual communication for the convenience of the public and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
- (c) Recognize and ensure the right of those concerned to identify businesses, services and other activities by the effective use of signs, and limit signs to those which are accessory and incidental to the use on the premises where such signs are located.
- (d) Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
- (e) Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.
- (f) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses and the surrounding neighborhood; and ensure that signs are compatible and integrated with the building's architectural design and with other signs on the property.
- (g) Ensure that signs are appropriate for the type of street on which they are located.
- (h) Bring nonconforming signs into compliance with these regulations.

(2) **Administration.** The Town Administrator or designee shall administer the sign regulations herein.

(a) **Nonconforming Signs.** A legally permitted permanent nonconforming sign may remain, provided it is maintained in good repair, with the following provisions.

- (1). **Modification.** Nonconforming signs shall not be enlarged, extended, structurally reconstructed or altered in any manner unless the sign is modified to conform to these regulations.

(2) **Damage.** A nonconforming sign or the structure supporting the sign which is damaged or destroyed to the extent of fifty percent (50%) or more shall not be altered, replaced or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than fifty percent (50%), the sign must be under repair within sixty (60) days and all repairs must be completed within six (6) months.

(3) **Discontinuance.** The property signage must be brought into conformance with these regulations within 6 months following a change in use.

(4) **Change in Location.** Nonconforming signs may not be moved to a new location.

(3) **Permit Procedures.** No sign, except as provided by Section 1.400 (Exempt Signs) shall be erected, displayed, altered, relocated, or replaced until the Town has issued a sign permit and the sign registration sticker is duly affixed to the sign.

(a) **Permit Application.** Applications for sign permits shall be submitted on the forms provided by the Town, completed as required, with the required sign permit fee attached. At a minimum the sign permit application shall include the following:

- (1) Business name, address, and phone number.
- (2) Business owner name, mailing address, and phone number.
- (3) Name, mailing address, and phone number of property owner.
- (4) Site plan showing the location of the sign on the premises in relation to lot lines, buildings, sidewalks, streets, public rights-of-way and street intersections within three hundred (300) feet of the proposed sign.
- (5) Description of sign (or signs) including type, size, structural design, and construction materials.
- (6) Drawing or photograph of the proposed sign with specifications indicating height, perimeter, area of sign and/or area of copy, dimensions, type of lettering proposed, means of support, method of illumination and any other significant characteristics.
- (7) Any other information requested by the Administrator or his or her designee in order to carry out the purpose of these regulations.
- (8) The required sign permit fee as established by resolution of the Town.

(b) **Permit Review and Action.** The Administrator or his or her designee shall review the sign permit application and issue or deny the permit in conformance with the standards in this code.

(1) **Official Date.** The official date of submission shall be the day the Administrator or his or her designee has determined that the application, with all required data, has been properly prepared and

submitted and is complete.

(2) **Time to Review.** The Administrator shall determine whether the proposed sign will or will not be in compliance with the requirements of these regulations, and shall, within seven (7) to ten (10) days of the official date of submission, ask for additional information or issue or deny the sign permit.

(3) **Photograph.** When the sign has been completed, the applicant shall photograph the completed sign and submit the photograph to the Administrator. The Administrator or his or her designee shall then inspect the sign.

(4) **Inspection for Compliance.** The Administrator or a designee, shall perform a final inspection after installation of any approved sign, and if approved, attach the approval sticker to the sign.

(5) **Discrepancies.** Any discrepancies between any sign as approved and the sign as constructed shall be identified in writing by the Administrator or a designee and may result in the halt of construction and correction of the discrepancy. If the discrepancy is not corrected within twenty (20) days after written notice, the sign may be ordered removed by the Administrator.

(6) **Registration of All Signs.** All signs must be registered with the Town. Signs that are certified as legal nonconforming signs may continue to be displayed, provided that a registration sticker is affixed to the sign.

(7) **Information to be affixed on permitted signs.** All permitted signs after the effective date of these regulations (and legal nonconforming signs) shall have the following information permanently affixed in a conspicuous place.

(a) Date of sign permit approval.

(b) The sign permit number.

(c) The voltage of any electrical apparatus used in connection with the sign.

(8) **Violations.** Any sign which has not been permitted or has not been certified as a legal nonconforming sign shall be deemed to be in violation of these regulations and shall be ordered removed by the Administrator with the costs of removal to be at the expense of the sign owner or the property owner. Failure to comply will result in the Town proceeding with the enforcement procedures presented in Section 16-3 of the Town Code.

(c) **Expiration of Sign Permit.** If the sign authorized by any sign permit has not been erected within sixty (60) days from the date of approval, the sign permit shall be deemed expired. Prior to the deadline of sign installation, the applicant may request an extension, in writing, from the Administrator.

(d) **Revocation of Sign Permit.** Signs must be properly maintained, painted, and kept free from all hazards. The Administrator shall take action if any sign, whether new or pre-existing, is damaged, moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the sign to be not in conformity with these regulations or to be a hazard or danger to the public. The Administrator, or designee, shall give written notice specifying the violation to the sign owner and the property owner to conform or to remove the sign. If the sign has not been brought into conformance within thirty (30) days from the date of the notice the Administrator shall revoke the sign permit and the subject sign shall be removed at the expense of the property or business owner.

(4) **Appeals.**

(a) **Appeals to the Board of Adjustment** may be taken by any person subject to and aggrieved by a decision of the Planning and Zoning Commission or the zoning enforcement official made under this Section. Such appeal shall be taken within ten (10) days from the date of the decision sought to be appealed by filing with the Town Administrator, or his or her designee, a written notice specifying the grounds thereof. All appeals shall be accompanied by the appropriate fee. The Town Administrator, or his or her designee, shall promptly transmit to the Board of Adjustment all papers constituting the record upon which the action or decision being appealed was taken. A timely appeal shall stay all proceedings in furtherance of the action appealed from unless the Town Administrator, or his or her designee, certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of competent jurisdiction for good cause shown on notice to the Town Administrator.

The Board of Adjustment shall fix a reasonable time and place for a hearing on an appeal not more than forty-five (45) days after the date of receipt of the notice of appeal, and send notice thereof in writing by regular mail to the appellant not less than fifteen (15) days in advance. The appellant shall appear in person or by an agent or attorney at the hearing and be heard. Absent good and just cause, the failure of an appellant or his or her agent or attorney to attend the hearing on appeal shall constitute an abandonment of the appeal and no further proceedings shall be had thereon. Appeals shall be heard and determined in a reasonably prompt fashion. Final decisions of the Board of Adjustment shall be reduced to writing and signed by the chairperson and shall be provided to the applicant.

(b) **Interpretation.** Questions concerning whether a certain type of sign is permitted shall be addressed to the Planning staff.

(5) **Comprehensive Sign Plan** Applicants wishing to vary from the sign number and area limits may submit a Comprehensive Sign Plan to the Planning and Zoning Commission for review and approval or denial as outlined below.

(a) **General.** A Comprehensive Sign Plan may or may not run with the land and shall be approved subject to safeguards, terms and conditions as deemed necessary and appropriate by the Planning and Zoning Commission to protect and preserve the intent and purposes of this Section. Violations of the terms and conditions imposed on a Comprehensive Sign Plan shall be deemed violations of this Section and shall be punishable under the general penalty provisions of this Code.

(b) **Applications** for a Comprehensive Sign Plan Review (with appropriate copies and supporting materials) shall be submitted to the Town Administrator on forms provided therefore. A reasonable fee shall be charged for each application, and a site plan and/or other drawing and information may be required as part of the application. Actual costs for professional planning, engineering, legal and/or other consulting services incurred by the Town in reviewing an application shall be paid by the applicant.

(c) **Completeness.** All applications for a Comprehensive Sign Plan shall be initially reviewed by town staff for completeness and recommendation and then referred to the Planning and Zoning Commission for review. The applicant shall be notified in advance of the time and place of the Planning and Zoning Commission's review and shall be allowed to attend and participate therein. The Planning and Zoning Commission shall, in writing, approve, deny or conditionally approval the application.

(d) **Public Hearing.** A public hearing shall be held by the Planning and Zoning Commission on each application for a Comprehensive Sign Plan Review. Not less than fourteen (14) days prior to the hearing, written notice describing the request and the time and place for the hearing shall be prominently posted on the property subject to the application and sent by regular mail to the

applicant and the owners of all properties that abut or adjoin the subject property (excluding public rights-of-way).

(e) **Approval.** Comprehensive Sign Plans shall be approved by the Planning and Zoning Commission, but only after finding that the proposed special use will not adversely impact the neighborhood or the public safety and welfare. In determining whether to grant a permit, the Planning and Zoning Commission shall consider, as applicable, the following factors:

- (1) All features of the sign, including the illumination, support structure, color, lettering, height, and location, shall be designed so that it will be an attractive, effective, and complementary feature of the building or property which it serves.
 - (2) Signs shall make a positive contribution to the general appearance of the street and commercial area in which they are located. The Town encourages imaginative and innovative sign design.
 - (3) The scale of signs shall be appropriate for the building on which they are placed and the area in which they are located. Building signs shall be harmonious in scale and proportion with the building facade they are mounted to.
 - (4) Signs shall be professionally designed and fabricated from quality, durable materials.
 - (5) In general, greater latitude in sign number, type, and area may be allowed so long as the sign plan exhibits design excellence, inventiveness, and sensitivity to the context.
- (6) **Exempt Signs.** A sign permit shall not be required for the following types of signs provided the special conditions attached to each type of exempt sign are met.
- (a) **Name and Address Identification Signs.** One sign indicating the address, number and/or name of occupants of the premises that does not exceed two (2) square feet in area per side, and does not include any commercial advertising or other identification.
 - (b) **Window Signage.** Signs and decals affixed or painted on windows or door glass panels, provided that not more than 50% of the total window area is covered.
 - (c) **Flags.** The flag of any nation, organization of nations, state, county or municipality, provided that no more than two (2) flags of a legal size defined in Section 2.116 may be displayed per business and that the flag is not used or displayed in connection with a commercial promotion or as an advertising device.
 - (d) **Directional and Warning Signs.** Any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, private drive signs, handicapped parking signs, parking

area, one-way drives, rest rooms, security and warning signs, pickup and delivery areas. The maximum size of each directional or warning sign shall be two (2) square feet.

(e) **Public Signs.** Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities.

(f) **Temporary Real Estate Signs (for sale, lease, or rent).** Display of these signs shall be limited to two (2) per property and six (6) square feet in area in residential zones and sixteen (16) square feet in all other zones. These signs shall be removed within thirty (30) days following closing of the sale or lease of the property.



(g) **Garage or Yard Sale Signs.** Signs, where permitted, advertising garage sales or yard sales shall be installed no more than two (2) day prior to the sale and shall be removed within one (1) day after the close of the garage or yard sale.

(h) **Historical Plaques.** Plaques authorized by Buena Vista Heritage or the State Historical Society identifying historic buildings or sites.

(i) **Signs Located Inside Buildings.** Signs located inside a building, except that any sign which is located within five feet (5') of any window shall not have any flashing or moving lights, excepting temporary Christmas type lights, which would produce any glare of distraction for any passing motorist.

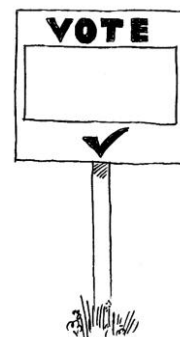
(k) **Menu Display Board.** One menu sign may be located at the entrance of a restaurant, provided it is no larger than three (3) square feet and is located in a permanent frame.

(l) **Political Signs.** Political signs no more than four (4) square feet announcing political candidates seeking office appearing on a ballot shall conform to the following stipulations:

(1) No person shall post any political sign of upon public or private property without permission of the property owner.

(2) Political signs shall not be permitted on any utility pole, lighting pole, or other similar structure.

(3) Political signs shall be removed within five (5) calendar days following the election for which they were posted.



(7) **Temporary Signs.** Temporary signs may be erected only after obtaining a temporary sign permit, which shall cite the length of time the sign may be displayed and date of expiration

excluding holiday decorations.

(a) **Temporary Sign Permit Application.** A temporary sign permit application must be accompanied with the appropriate permit fee and a deposit fee as established by resolution of the Town Board.

(b) **Removal of Temporary Signs.** Temporary signs must be removed within the time period specified on the permit. Upon applicant certification that the sign has been removed, the deposit shall be returned.

(c) **Type and Size of Temporary Signs.** The following signs are those that require a temporary sign permit.

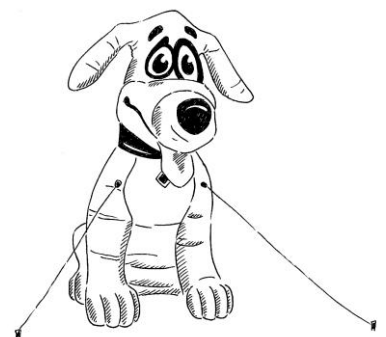
(1) **Sale Banners.** Banners used to advertise a sale or special event. Maximum duration of such banners is two weeks. Banners shall be no larger than sixteen (16) square feet in area and shall be professionally created. Only one banner shall be permitted at a time. The maximum number of banner temporary sign permits issued per business per year shall be three (3).

(2) **Construction Signs.** Construction signs announcing new buildings or projects may be permitted as temporary signs after the commencement of construction. Each construction project site shall be limited to one (1) sign on the construction site premises, not exceeding twenty (20) square feet in area and eight (8) feet in height. The construction sign shall be removed after the first certificate of occupancy for the project is issued.

(3) **Temporary Vendor Signs.** Signs associated with vendors for special occasions shall be processed concurrently with the application for Temporary Use Permit in conformance with Section 16-63 of the Municipal Code. Such signs shall be attached to the vendor cart or temporary structure and be made of permanent durable material.

(4) **Town Event Banners.** Large event banners hung over Main Street advertising a Town event shall be permitted as a temporary sign for the time frame of one week prior to the event and during the event only.

(5) **Inflatable Signs and Other Objects.** Signs and other objects which are inflated; including, but not limited to, balloons for the purpose of attracting attention to a business may be permitted for a two week duration once per quarter and no more



than four times in one calendar year excluding holiday decorations to be included during the season.

(8) **Signs Requiring a Special Review Sign Permit.** The following types of signs require a Special Review Sign Permit application with review and approval by the Planning and Zoning Commission. The Special Review Sign Permit process is encouraged for those signs of uniquely creative design or materials or in locations requiring review of special conditions. The Special Review Sign Permit Process shall follow the same process as outlined in Section 5 Comprehensive Sign Plan of this Code.

(a) **Off Premise Signs.** The following shall apply to Off Premise signs until such time that the Town adopts the Town Sign Plaza program.

(1) Off-premises signs shall be permitted in accordance with the terms and conditions of this Section. Off-premises signs are limited to non-residential zones.

(2) In order to obtain permission to use an off-premises sign, a business applicant shall meet the following requirements:

(a) The applicant shall obtain written permission from all adjacent property owners for the placement of the off-premises sign along street frontage on property either owned by the Town or by the adjoining property owners;

(b) The applicant shall submit an off-premises sign application as established by the Board of Trustees;

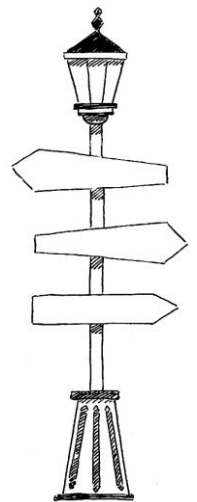
(c) The applicant shall provide proof of insurance for liability arising out of the use or placement of said off-premises sign and shall verify that the Town is listed as an additional insured under said policy; and

(d) The off-premises sign applied for shall comply in all respects with the terms and conditions of this Section.

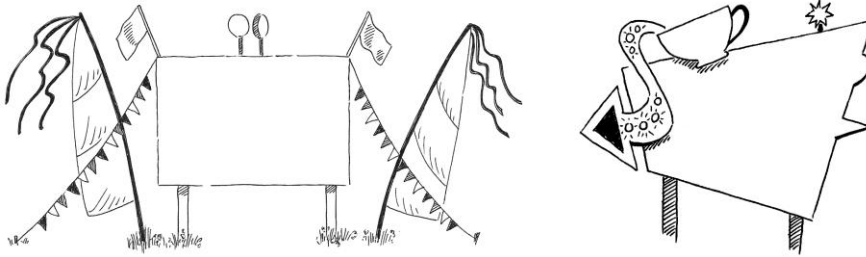
(3) Off-premises signs shall comply with the following regulations:

(a) Off-premises signs shall not interfere with either pedestrian traffic or vehicle traffic;

(b) Off-premises signs shall not detract from the general appearance of the area in which the sign is being placed;



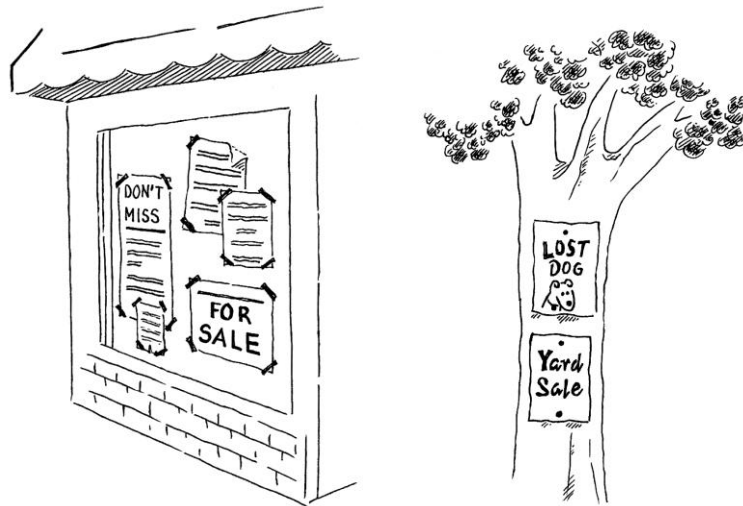
- (c) Placement of off-premises signs shall be made in the discretion of the Town Administrator so as to avoid the over-proliferation of signs on one (1) parcel of property or in one (1) particular area;
 - (d) Off-premises signs shall not be placed in zone districts other than B-1 and B-2 Zone Districts;
 - (e) Off-premises signs shall not be placed in areas designated as Town parks;
 - (f) No business organization shall have more than one (1) off-premises sign located on Town property;
 - (g) There shall be no more than one (1) off-premises sign placed on any single parcel of property or property frontage; and
 - (h) Off-premises signs shall be no larger than six (6) square feet per side.
- (b) **Exterior Wall or Roof Murals.**
 - (c) **Roof signs.**
 - (d) **Sign Painted on a Wall.**
 - (e) **Neon signs.**
 - (f) **Statuary Sign.**
 - (g) **Animated and Moving Signs.** A sign or other display with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, garrison flags, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, searchlights and signs with emissions such as smoke, vapors, sound, or odor.
 - (h) **Backlit and Internally Illuminated Signs**
- (9) **Prohibited Signs.** The following signs are expressly prohibited.



(a) **Glaring Signs.** Signs with light sources or which reflect brightness (such as mirrors) in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.

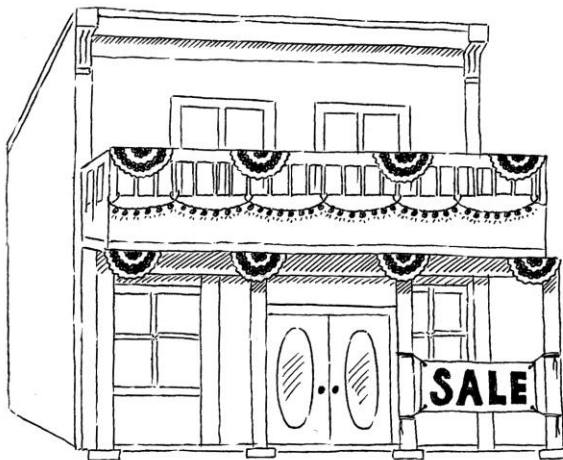
(b) **Obstructive Signs.** A sign or other advertising device erected or maintained in any manner so as to obstruct free and clear vision of an intersection, traffic approaching the intersection or a roadway.

(c) **Posters and Handbills.** Any exterior sign affixed to any structure, tree, pole, or natural vegetation.



(d) **Strings of Light.** Any devices including lights that outline property lines, sales areas, or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows:

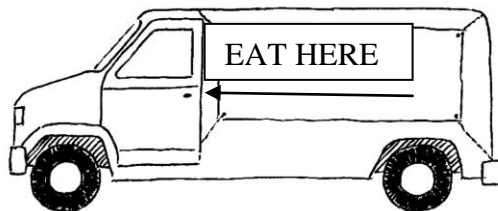
- (1) Lights used temporarily as holiday decorations. Holiday lights are permitted between November 15 and January 15 of the holiday season.
- (2) Lights or other devices used on a temporary basis on parcels on which carnivals, fairs or other similar temporary activities are held.



(3) Strings of lighting used to delineate an area of outdoor dining must be reviewed as part of the required landscaping plan.

(4) All other strings of lighting must be reviewed as part of the required landscaping plan (BVMC Section 16-255).

(e) **Vehicle Signs.** Any sign displayed on a parked vehicle or trailer (also called “street blimps”) where the primary purpose is to divert traffic to advertise a business not on or near the same premises. However, business names or logos are permitted on vehicles provided the vehicle is associated with the business and normally parked at the business premises.



(f) **Signs in the Public Right-of-Way.** A sign in, on, over or above a public right-of-way that in any way interferes with normal or emergency use of that right-of-way.

(g) **Abandoned Signs.**

(10) **Permitted Signs.** The following are permitted signs, provided each sign conforms to the design criteria established for the relevant use or district in which the sign is located.

(a) **Permitted maximum number, area, and height.** In the B-1 zone districts, no use by right on a property shall have more than two signs with a maximum



sign area of 40 square feet. In the B-2 and I-1 zone districts, no use by right on a property shall have more than two signs with a maximum sign area of 72 square feet. Variations from these limits may be permitted with the approval of a Comprehensive Sign Plan by the Planning and Zoning Commission.

Zone District	Sign Type	Number	Area	Height
B-1	Wall	1 per street frontage	24 sq. ft.	Cannot project above roofline.
	Projecting	1	6 sq. ft.	Min. 8 ft. above ground, Max 11 ft. above ground
	Awning, Canopy, or Marquee Sign	Counted toward total Wall Sign Max.	Counted toward total Wall Sign Area	Min. 8 feet above ground.
	Portable A-frame, Sandwich Board, Portable Menu Boards, Wheeled Signs	1	12 sq. ft. Portable Menu Boards- 20 sq. ft.	NA
B-2, I-1	Wall	1 per street frontage	24 sq. ft.	Min. 10 ft. above ground, Max 20 ft. above ground Max. 5 ft. to top of sign (Monument)
	Projecting	Not Allowed	Not Allowed	NA
	Free Standing Monument	2	48 sq. ft	Min. 10 ft. above ground, Max 20 ft. above ground. Max. 5 ft. to top of sign (Monument)
	Service Station: Price Sign	1 price sign per street front	9 sq. ft.	Max. 10 ft.

Zone District	Sign Type	Number	Area	Height
	<p>“Self/Full Serve”</p> <p>Awning, Canopy, or Marquee Sign</p> <p>Portable A-frame, Sandwich Board, Portable Menu Boards, Wheeled Signs</p> <p>Drive-Through Menu Boards (B-2 Only)</p>	<p>1 per each pump island</p> <p>Counted toward total Wall Sign Max.</p> <p>1</p> <p>1</p>	<p>3 sq. ft.</p> <p>Counted toward total Wall Sign Area</p> <p>12 sq. ft. Portable Menu Boards- 20 sq. ft.</p> <p>20 sq. ft.</p>	<p>NA</p> <p>Min. 8 feet above ground.</p> <p>NA</p> <p>7 feet</p>
R-1, R-2, R-3	<p>Home Occupation Sign</p> <p>Free Standing</p>	<p>1</p> <p>1 per Subdivision Entrance</p>	<p>2 sq. ft.</p> <p>24 square feet</p>	<p>NA</p> <p>Min. 10 ft. above ground, Max 20 ft. above ground</p>

(b) **General Sign Design Standards.** The following standards apply to all permitted signs in Buena Vista. Standards associated with the word “shall” are mandatory, those that are “encouraged” are not mandatory, but highly recommended.

(1) **Sign Materials and Construction.** All signs shall be constructed of durable materials designed to withstand expected winds and erected so as not to sustain damage and deterioration from the elements. Permitted materials include wood, metal, stone or other durable material. No sign shall contain iridescent or “day-glow” paint. Permitted permanent exterior signs shall not be made of paper, cloth, canvas, cardboard, wallboard, or other similar, non-durable material.

(2) **Streamers.** No sign or part of a sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving

devices.

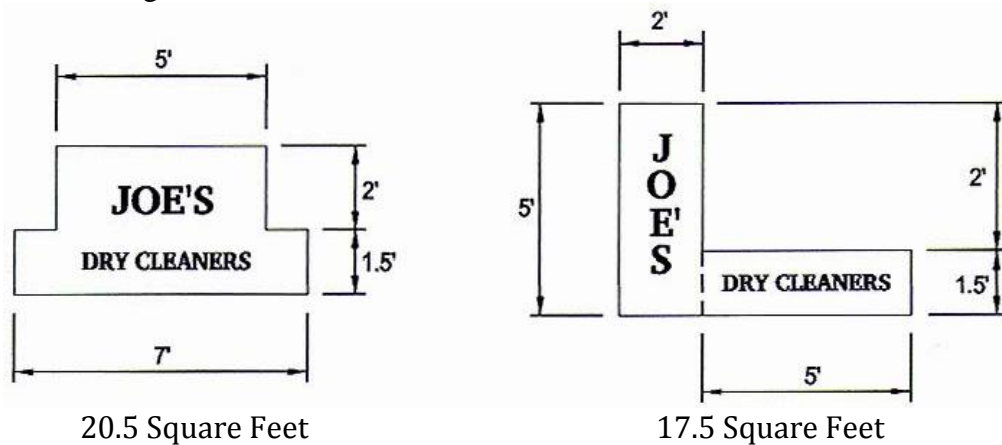
(3) **Sign Illumination.** No sign or lighting device shall be placed or directed to permit the beams and illumination to be directed, reflected or beamed upon a public road, highway, sidewalk or adjacent property so as to cause traffic hazard, nuisance, or glare. All lighting fixtures shall be designed to be “down lights” i.e. direct lighting below a ninety (90) degree horizontal plane extending from the lowest point of the light source. Unless otherwise permitted, all signs shall be externally lit by lights in a visible fixture above the sign. Backlit and internally illuminated signs are allowed by Special Use. Full spectrum and energy efficient light bulbs are recommended.

(4) **Content.** There shall be no signs or pictures of an obscene, indecent or immoral character such as will offend morals or decency in accordance with constitutional standards.

(5) **Maintenance.** Every sign including those specifically exempt from permits and permit fees, shall be maintained in good repair and in a safe, clean, and attractive condition.

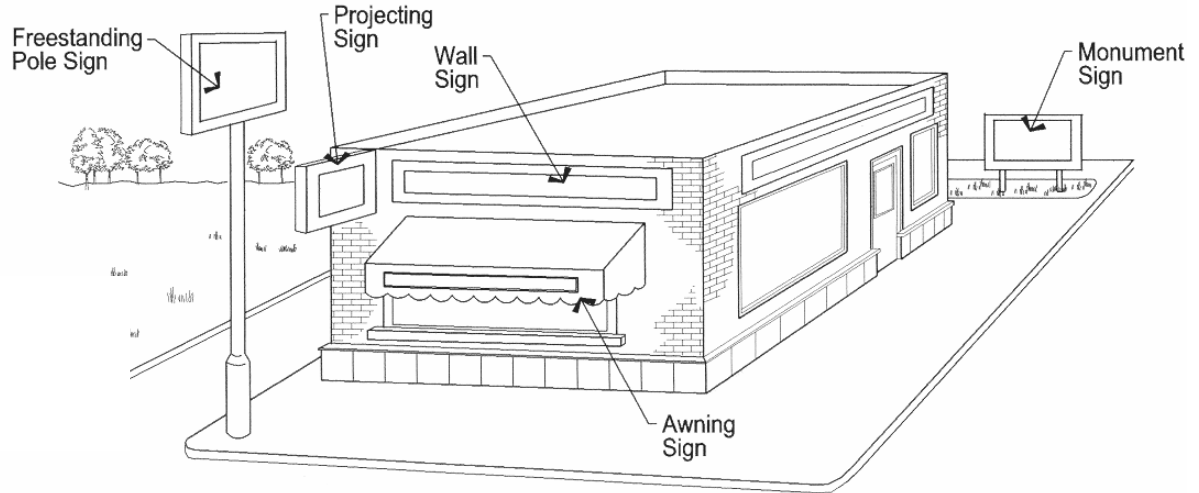
(c) **Measurement of Sign Area and Height**

(1) **Sign surface area.** The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas. Time and temperature devices shall not be included within the measurement of maximum sign area.



(2) **Sign height.** The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street.

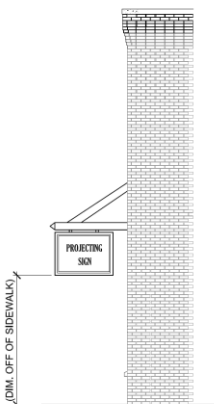
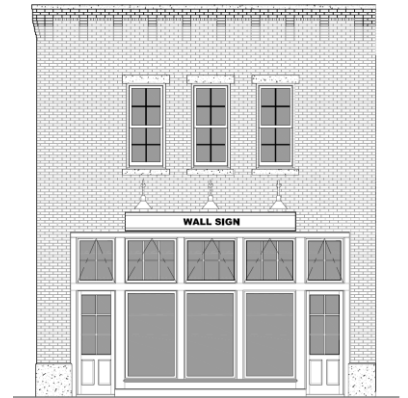
(d) **Sign Types**



(1) **Wall Sign.** One wall sign is permitted per business in the B-1, B-2, and I-1 zones only unless a business fronts directly onto two public streets (i.e. the building or business property is contiguous to the street right-of-way); then one wall sign per street frontage is permitted. In the event more than one sign is proposed per frontage, a Sign Plan application must be submitted to be reviewed and approved by the Planning and Zoning Commission.

(a) **Wall Sign Design Standards.** Wall signs are encouraged to be uncluttered, used for the purpose of business identification, with good contrast between the letters and the background. A wall sign shall not extend above the roof or parapet of the building front or fascia. Wall signs should not interfere with the architectural features of historic structures. The maximum permitted wall sign area shall include the sign copy of a wall sign and an awning sign.

The total permitted wall sign area shall be twenty four (24) square feet. Any awning signs shall be included in the maximum total sign area calculation for the business.



(e) **Projecting Sign.** In the B-1 zone, one projecting sign is permitted per business, provided the sign can be located in a manner that does not interfere with the building historic architecture.

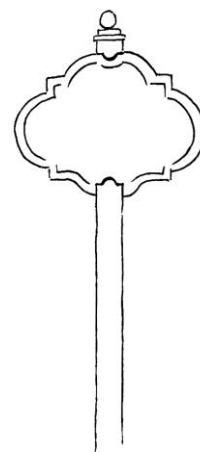
(1) **Projecting Sign Design Standards.** Projecting signs (permitted in the B-1 zone only) shall not exceed six (6) square feet of total sign area per side. Projecting signs shall extend from the building wall or fascia at

an angle of ninety (90) degrees (unless the sign is a historic theatre marquee) and shall project no more than three feet from the plane of the face of the building to which they are attached. Projecting signs located above awnings are discouraged.

The lowest edge of a projecting sign area shall be no lower than eight (8) feet from the sidewalk or ground over which it extends. The top edge of a projecting sign area shall be no higher than fourteen (14) feet above the ground or sidewalk over which it projects.

(2) **Revocable License.** The owner of any permitted sign extending over a public street or other public right-of-way or space during the period of time that the sign and associated attachments are installed, shall enter into a Revocable License Agreement with the Town prior to installing the sign.

(f) **Free Standing Sign.** In the B-2 and I-1 zones, one free standing sign is permitted per business provided it is located on the premises and the business is not otherwise identified on a free standing directory sign. One free standing directory sign is permitted per shopping center or multi-tenant building in the B-2 or I-1 zones. In residential zones, not more than one (1) permanent subdivision identification sign is permitted for each primary entrance to a recorded subdivision, indicating only the name and logo of the subdivision.



(1) **Free Standing Sign Design Standards.** Any freestanding sign shall be located inside the property line and shall be situated outside all clear sight triangles.

Freestanding signs shall be designed to not block the view of an adjacent business and shall not interfere with any sidewalk or path. The maximum sign area permitted (per side) of a free standing sign shall be forty-eight (48) square feet. Free standing pole signs shall be no taller than twenty (20) feet at the top of the sign area and no less than ten (10) feet at the bottom of the sign area.

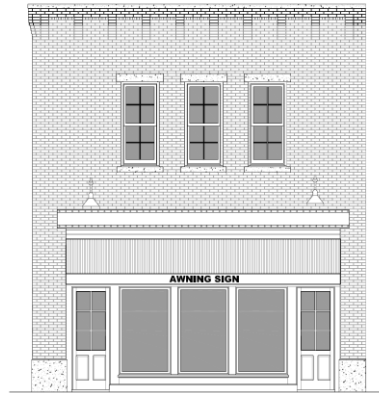
Freestanding monument signs are encouraged to be designed with attractive supports and surrounding landscaping. A freestanding monument sign shall be no more than five (5) feet tall at the top of the sign structure. Maximum contrast between letters and background is encouraged with minimal sign clutter.



A service station or other business selling automotive fuel is permitted one price sign for each street frontage not to exceed nine (9) square feet in area and ten (10) feet in height.

"Self/full serve" signs not to exceed three (3) square feet in area each are permitted on each end of each pump island. Signs affixed to the top or sides of an operable fuel dispensing pump shall not exceed three (3) square feet in area, and shall only display instructional or price information, and shall not include advertising copy pertaining to any product, sale or promotion.

(g) **Awning, Canopy, or Marquee Sign.** One awning, canopy, or marquee sign is permitted per business in the B-1, B-2 and I-1 zones. Any portion of an awning, canopy, or marquee containing advertising copy shall be treated as a sign and shall be included in the overall sign area maximum for wall signs.



(1) **Awning Sign Design Standards.** The sign on an awning may be appliquéd or painted on the awning. Awning signs may not project above the awning itself, nor be located on the slope of the awning. No awning shall be lower than eight (8) feet above the ground or sidewalk over which it extends. Awning signs shall be located on the "flat" surface that is the awning surface that is parallel with the building wall facing the street frontage.

(2) **Canopy or Marquee Sign Design Standards.** Canopy or marquee signs may not project above the structure itself nor be located on the canopy roof. No canopy sign shall be lower than eight (8) feet above the ground or sidewalk over which it extends. Canopy or marquee signs shall be located on the "flat" surface that is the surface that is parallel with the building wall and facing the street frontage. Canopy or marquee signs shall be located on the first floor business only.

(3) **Signs Suspended Below a Canopy, Marquee, or Awning.** Signs suspended below a canopy such as soffit



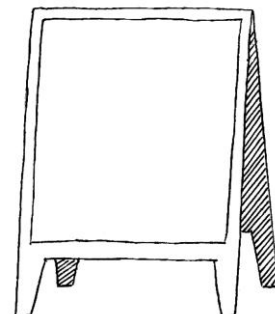
signs shall be no larger than two (2) square feet in size and shall be no lower eight (8) feet from the sidewalk below.

(4) **Revocable License.** The owner of any awning, canopy, or marquee sign extending over a public street or other public right-of-way or space shall enter into a Revocable License Agreement with the Town prior to installing the sign.

(h) **Drive Through Menu Boards** Drive through menu boards are only allowed in the B-2 zone district. If the combination of proposed signs exceeds the maximum sign number and area standards, a Comprehensive Sign Plan for all signs on the site must be reviewed and approved pursuant to Section 16-242(5). Menu boards and order boards shall be subject to the following standards:

- (1) Each drive-through restaurant shall be allowed one menu board per drive-through service lane where customers preview the menu from their vehicles and one menu board per drive-through service lane where customers order food from their vehicles.
- (2) Each menu board shall have a maximum allowable area of 16 square feet.
- (3) Each menu board shall have a maximum height of seven feet.
- (4) Each menu board shall incorporate materials and colors that match or complement the materials and colors of the associated building.
- (5) Each menu board shall include an architecturally complimentary base that is proportional to the size of the sign.
- (6) No other sign shall be attached or added to a menu board.
- (7) The sign must be screened with effective xeriscaping.

(i) **Portable A-frame, Sandwich Board, Menu Boards, Wheeled Signs.** One portable sign is permitted per business and shall be located on the same property on which the business is located. No portable signs are permitted in the public right of way. Portable signs shall be no larger than 3' X 4' or six (12) square feet (exclusive of structural components, attractively designed, and be made of durable material. Menu Boards shall be no greater than 4' X 5' or twenty (20) square feet in size.



(j) **Home Occupation Sign.** In a residential zone, one wall sign is permitted as a business identification sign. One sign per home occupation is permitted as a wall sign not to exceed

two (2) square feet. Home occupation signs shall contain only the name of the business and/or business owner.



(k) **Historical Signs.** Legally permitted signs of 30 years of age or more, i.e. “historical signs” are permitted in non-residential zones provided the sign is kept in good repair and does not constitute a hazard to the public safety.

(11) **Definitions.**

(a) **Abandoned Sign.** A sign, which for a period of ninety (90) consecutive days, has not advertised a business on the premises where such sign is located or for which a special or temporary sign permit has expired.

(b) **Advertising Sign.** A sign that describes products or services being offered to the public.

(c) **A-frame Sign.** A type of portable sign that is constructed or shaped in the form of the letter “A” (also called “sandwich board”).

(d) **Animated Sign.** Any sign which includes action or motion, or whose copy is changeable by other than direct manual intervention.

(e) **Area of Copy.** The entire area within a single continuous perimeter composed of squares, rectangles, circles, ovals or any other geometrical shape which enclose the extreme limits of the message, announcement or decoration on a wall, projecting, or freestanding sign.

(f) **Area of Sign.** The area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame, or forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module (as in the case of wall and awning signs), all areas will be totaled.

(g) **Awning.** A roof-like cover made of pliable material over a window or doorway that is attached to the outer wall or fascia of a building.

(h) **Banner.** A temporary sign composed of lightweight material either enclosed or not

enclosed in a rigid frame.

(i) **Canopy Sign.** A sign attached to a permanent covered walkway that extends over the public sidewalk.

(j) **Construction Sign.** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar persons or firms having a role or interest with respect to the structure or project.

(k) **Cut Out Letter Sign.** The sign area considered to be that of a single rectangle or square encompassing all of the letters used to convey the message of the sign, including the open space between letters of words within that rectangle or square.

(l) **Directional Sign.** Any sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking area, one-way drives, rest rooms, pickup and delivery and areas.

(m) **Directory Sign.** Any sign containing a list of the names of business establishments located within a building complex.

(n) **Double-Faced Sign.** A two-faced sign utilizing both sides or surfaces for display purposes.

(o) **Drive-Through Menu Board.** A sign displaying the menu of a drive-through restaurant to customers seated in vehicles in drive-through service lands.

(p) **External Illumination.** Illumination of a sign from a source of light not contained within the sign itself.

(q) **Flag.** Any fabric containing the official insignia of any nation, organization of nations, state, province, county, city or fraternal organization with proportions that have been established by Presidential declaration; three feet by five feet (3' X 5') when hung from a building, or five feet by seven feet (5' X 7') when hung from a pole.

(r) **Freestanding Sign.** A sign permanently anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

(s) **Frontage; Business.** The linear distance of the exterior building wall of a business facing a public right-of-way or highway and which contains the main entrance to the business.

(t) **Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any

governmental function or required by any law or ordinance or governmental regulation.

(u) **Grand Opening Sign.** A temporary sign permitted to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

(v) **Height.** The vertical distance between the ground level (prior to any filling, berming, or landscaping solely for the purpose of elevating the sign) under a sign and the highest point of the sign structure.

(w) **Historical Sign.** Signs that are at least thirty (30) years in age.

(x) **Illegal Sign.** Any sign for which a valid and current Town of Buena Vista sign permit has not been obtained and which is not exempt from the provisions of this Section.

(y) **Internal Illumination.** Illumination of a sign from a source of light contained within the sign itself, including sign letters created with neon tubing.

(z) **Marquee Sign.** Any sign attached to or under a covered structure projecting from a building which extends over the sidewalk, usually also supported by posts. A “marquee” may also mean the projecting sign associated with theatres.

(aa) **Monument Sign.** A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.

(bb) **Mural.** A painting or picture applied to and made part of a wall which may be pictorial or abstract, and is characteristically visually set off or separated from the background color or architectural environment.

(cc) **Neon Sign.** Any sign that is illuminated by tubes filled with neon, argon, krypton and related inert gases, including any display of neon lighting tubes which is in view of the general public from a public right of way or from any public area, regardless of the shape, size, design or configuration.

(dd) **Nonconforming Sign.** Any sign for which a valid sign permit was obtained when constructed but is not in compliance with current sign regulations.

(ee) **Off Premise Sign.** A sign that advertises a business, commodity, service or entertainment not related to the premises where the sign is located.

(ff) **Permanent Sign.** An exterior sign constructed of durable, permanent material such as wood, metal, stone or other durable material, not including paper, cloth, canvas, cardboard, wallboard or banner plastic (unless the sign is part of an awning).

(gg) **Plaza Sign.** A one, two sided, or three dimensional structure displaying smaller

signs, each of equal size, for the purpose of housing off-premise directional signs for one or more businesses.

(hh) **Pole Sign.** A freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.

(ii) **Political Sign.** A temporary sign announcing or supporting political candidates or issues connected with any national, state, or local election.

(jj) **Portable Sign.** A sign, graphic or display which can be readily moved from place to place and which is not affixed to a building, a vehicle or to the ground.

(kk) **Projecting Sign.** A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible. A projecting sign extends out from the building.

(ll) **Real Estate Sign.** A temporary sign which is used to offer for sale, lease or rent the premises upon which the sign is placed.

(mm) **Roof Sign.** A sign that is constructed to extend above the primary peak of the roofline.

(nn) **Sign.** Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, painting, banner, pennant, placard or temporary sign designated to advertise, identify or convey information with the exception of window displays and national flags.

(oo) **Soffit Sign.** A sign affixed to the underside of a roof overhang adjacent to a store or other commercial premises.

(pp) **Statuary Sign.** Any three dimensional sign which is a modeled or sculptured likeness of a living creature or inanimate object.

(qq) **Subdivision Entrance Sign.** A sign which by means of a symbol, name, logo or other graphic identifies a subdivision.

(rr) **Temporary Sign.** A sign displayed for a fixed, terminable length of time and to be removed after the temporary purpose has been served or the term length has expired; whichever comes first.

(ss) **Town Sign Plaza Program.** A coordinated sign plan program for wayfinding throughout the Town.

(tt) **Walkway Sign.** A sign affixed to the underside, side, or top of a permanent covered walkway or canopy that covers the public right-of-way.

(uu) **Wall Sign.** A sign painted on or attached to an exterior wall of a building or other structure and which is mounted parallel to the surface so that only one side is visible to the public.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 25th day of August, 2009.

THIS ORDINANCE SHALL BECOME EFFECTIVE NOVEMBER 1, 2009.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Cara Russell

ATTEST:

Town Clerk, Diane Spomer

(SEAL)